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CENTRAL FAX CENTER****OCT 31 2007****MARTIN & FERRARO, LLP  
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**FACSIMILE TRANSMITTAL**

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**TO:****Name:** Mail Stop AMENDMENT  
Group Art Unit 3772/Examiner Michael Brown**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-8300**Subject:** U.S. Patent Application No. 09/497,590

Gary Karlin Michelson

Filed: June 6, 2000

**APPARATUS INCLUDING A GUARD MEMBER  
HAVING A PASSAGE WITH A NON-CIRCULAR  
CROSS SECTION FOR PROVIDING PROTECTED  
ACCESS TO THE SPINE (as amended)**

Attorney Docket No. 101.0044-03000

Customer No. 22882

Confirmation No.: 7688

**FROM:****Name:** Thomas H. Martin, Esq.**Phone No.:** 330-877-2277**No. of Pages (including this):** 2**Date:** October 31, 2007**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

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Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0044-03000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 7688  
Gary Karlin Michelson )  
Serial No.: 09/497,590 ) Group Art Unit: 3772  
Filed: June 6, 2000 ) Examiner: Michael Brown  
For: APPARATUS INCLUDING A GUARD )  
MEMBER HAVING A PASSAGE )  
WITH A NON-CIRCULAR CROSS )  
SECTION FOR PROVIDING )  
PROTECTED ACCESS TO THE )  
SPINE (as amended) )

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATUS INQUIRY**

In response to the May 23, 2007 Notice of Non-Compliant Amendment, a Reply was filed with respect to the above-identified application on June 4, 2007. To date, the undersigned has yet to receive a further communication from the Examiner. Please advise the undersigned on the current status of the above-identified application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: October 31, 2007By: Thomas H. Martin  
Registration No. 34,383

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